

year and paying for this payroll tax cut the way we do, with a small surtax on the millionaires and billionaires, which doesn't kick in until they get past the \$1 million mark—they go after the middle class. They raise premiums on Medicare for 25 percent of Medicare recipients who earn \$80,000 a year, and they raise it 15 percent for some of them in this time of recession. They cut the number of weeks an individual can get unemployment insurance, which also, at this time, is just plain cruel. They go after the salaries of middle-class workers, such as Federal firefighters, veterans, nurses, air traffic controllers, FBI agents, and all Federal employees while they allow government contractor employees to earn up to \$700,000 a year.

Senator GRASSLEY is here, and I know he probably disagrees with some of what I said, but I know he agrees on the Federal contractor issue. In this particular bill, which the House crafted, I say to my friends, they go after middle-class workers, but the government contractor workers can earn up to \$700,000 a year. To me, that is the only reason I can see why Republicans are objecting to having a vote on this so-called payroll tax bill—because it is so loaded with things that are going to hurt the American people.

So I think we ought to have that vote and kill this Christmas turkey, because it is a turkey. It is harmful to the middle class. It is literally going to cause an increase in premature deaths, in asthma cases, and it is literally going to hurt middle-class workers while it leaves the millionaires and billionaires alone. What kind of value system is that? Merry Christmas to the middle class. No, it isn't.

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3630, which was just received from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote; and that the vote on passage be subject to a 60-affirmative-vote threshold; further, if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I must object, but I wish to make clear that the Senator from California understands I didn't come to the floor to object to her request, but on behalf of the Republican leader I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I thank my colleague. We are buddies. We work together on a lot of good government issues. But the minority leader, the Republican leader, is objecting.

So in summing this up, as I leave the floor, I would ask rhetorically, why on Earth the Republican leader is afraid

to vote on a Republican bill, other than the fact that that bill, in my view, exposes a set of values that are not consistent with the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for what time I might consume, but I wouldn't expect it would be more than 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the Fast and Furious investigation. But I would also like to follow up and have this portion of my remarks follow the Senator from California because I think my side has a legitimate position to take on some job creation things that are in the House bill that has come over here; that if people just hear one side of the story, they might misunderstand we are not interested in creating jobs and we are only interested in putting stumbling blocks in the way of regulations or Presidential decisions that are made. But it is directly related to, in the case of rules by EPA that the Senator spoke about, it is a fact that under this administration there is an explosion of regulations. A lot of those regulations, because of their cost, have led to the elimination of a lot of jobs or a lot of jobs not being created as a result thereof.

So if we hear the President of the United States saying we ought to pass legislation that he is for to create jobs or we hear the President of the United States, one or two times a week, flying all over the country at taxpayers' expense to give political speeches and asking to put the pressure on Congress to pass his jobs bill at the very same time his departments are issuing regulations costing jobs or not creating jobs or the President making a decision that we shouldn't build a pipeline from Canada down to Texas so we can import more oil in a cost-effective way from our friend Canada—a reliable friend—instead of spending \$830 million every day—every day—to import oil and paying that to countries that either hate us or want to kill us, we think there is an inconsistency between the President who is going around the country giving speeches on why Congress isn't passing his legislation to create jobs, when his administration is making decisions—in the case of the pipeline, 20,000 jobs could be created right now, union-paying jobs, good jobs, and 110,000 jobs on the side related thereto, plus what it does good for the energy policy of the United States to have that built. The President is standing in the way.

He says it needs another year of study. The State Department has already given two studies over a period of years saying it is OK to go ahead. It is not an environmental problem. The Nebraska legislature held it up for a little while because of the aquifer, but

they have reached an agreement that it can go through their State in a little different direction.

We think we ought to create those 20,000 jobs and we ought to do it right now and this legislation that has come over from the House does that. This legislation coming over from the House puts some block of some regulations going into effect that is going to eliminate jobs or stop the creation of jobs.

So we are a little bit irritated about the inconsistency between an administration that wants us to pass legislation to create jobs when, at the very same time, one person is making a decision that we are not going to move ahead with job creation projects. This legislation allows to move ahead for that.

#### FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, the reason I came to the Senate floor is to give my colleagues an update on the Fast and Furious investigation that I have been conducting since last January 31.

For almost 11 months now, I have been investigating Fast and Furious, an operation of the Bureau of Alcohol, Tobacco, and Firearms, ATF. On December 2, the Justice Department finally came clean about who helped draft its February 4 letter to Congress. That was a letter I wrote that they responded to since I opened the investigation on January 31. It only took them a few days to get a letter to me that had a tremendous number of falsehoods in it.

That letter falsely denied ATF whistleblower allegations that ATF walked guns. The revelation in the December 2 documents of this year were the last straw for me. They admitted the February 4 letter had falsehoods in it. I called for Assistant Attorney General Breuer to step down, and I don't do that lightly.

Earlier documents had already shown Mr. Breuer displayed a stunning lack of judgment in failing to respond adequately when told guns had walked in Operation Wide Receiver in the years 2006–07. The December 2 document showed that Mr. Breuer was far more informed during the drafting of the February 4 letter than he admitted before the Judiciary Committee just 1 month earlier. These two issues led me to call for the resignation of Mr. Breuer, the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver.

The December 2 documents also established a number of other key points. The first is that the Justice Department has a flawed process for responding to letters from Congress that involve whistleblowers. So any of my colleagues, any of the 99 other Senators who are writing letters to the Justice Department, understand they have a flawed process if it involved whistleblowers responding to us. I will show

that to you. In the cover letter that accompanied the documents, the Justice Department wrote that, in drafting their February 4 response, which had these falsehoods in it:

Department personnel . . . relied on information provided by supervisors from the components in the best position to know the relevant facts.

They were listening to supervisors because they only listen to supervisors. That is the problem with not answering the letters in a truthful way, to me, 5 days later after I handed them to the Attorney General. I will show that in just a minute.

Clearly, the Justice Department did not rely on those in the best position to know the facts, since the letter was withdrawn on December 2 due to its inaccuracies.

I don't know how they can withdraw a letter that is in the public domain, but they just somehow withdraw the letter.

The whistleblowers were in the best position to know the facts. Frontline personnel—not supervisors—were in the best position to know the facts, not these senior bureaucrats or political appointees. Yet the Department failed to provide a credible process for whistleblowers, people who know what is happening on a day-to-day basis, and other frontline personnel to provide information without fear of retaliation.

Employees simply do not believe they are free to report misconduct because they see what happens to those who speak out. They know it is a career killer because the ATF and the Justice Department culture protects those who retaliate against whistleblowers. Yet whistleblowers in this case spoke out anyway.

In other words, these whistleblowers were speaking out, taking a chance on their professional future in Federal Government because they knew something wasn't right about the walking of guns. So they risked their career to make sure the truth was known.

The only crime committed by whistleblowers, generally, is the crime of committing truth. But when the Office of Legislative Affairs sought information to respond to my inquiries, it didn't ask these brave whistleblowers what happened. Instead, it simply relied on self-serving denials of senior officials at ATF headquarters or the criminal division here in DC or the U.S. attorneys in Arizona.

In other words, the Department took the word of the very officials the whistleblowers alleged had mismanaged the situation in the very first place, without getting both sides of the story.

The U.S. attorney has since admitted in testimony to congressional investigators he was too strident when he first heard these accusations. He claimed he didn't know all the facts.

We can't rely on the chain of command when we have a whistleblower. By definition, whistleblowers emerge because the chain of command is broken. Whistleblowers come to Congress

because they are unsuccessful in getting their supervisors to address fraud, waste, and abuse. Sometimes those supervisors attempt to cover tracks and paper over the problem. That is why we have to get the story straight from the horse's mouth. We can't let the facts be filtered through multiple layers of bureaucracy. After all, the bureaucracy is filled with the same supervisors who should have done something about the problem in the very first place before whistleblowers even come forward.

These problems are particularly prevalent in the Federal Government that is so very large it is virtually impossible for anyone to ever be held accountable for anything. So it is crucial those investigating whistleblower allegations go straight to those on the ground level with firsthand knowledge of the facts. Their goal should be to understand the underlying facts of the whistleblower allegations, not to intimidate whistleblowers into silence. Instead, inquiries all too often focus on the whistleblowers themselves and what skeletons they have in their closet. That approach is exactly what is wrong with the Federal Government and why it doesn't function as efficiently as it can. Because if more whistleblowers were listened to and wrongs were brought to the surface and transparency ruled, there would be more accountability.

The focus should be on whether the accusations are true so the problems can be corrected. Too often, however, the focus is on finding out what information the whistleblower disclosed so the agency can circle the wagons and build a defense. That needs to change. If the department is going to regain its credibility, it needs to provide straight answers, not talking points and spin.

The only way to provide straight answers is to make sure we get straight answers in the first place. That is one reason we have pushed in our investigation to be able to interview frontline personnel.

The Justice Department objected in a letter Tuesday night. In that letter, the Justice Department also objected to us talking to first- or second-level supervisors. This is exactly the sort of approach that prevents key information from getting to senior officials and to Congress and impedes Congress's constitutional responsibilities to see that the laws are faithfully executed. In other words, we don't just pass laws and say that is the end of it. We have to pass laws to make sure we are a check on the executive branch of government and that means to do the constitutional job of oversight. That means ask questions. That means we are entitled to answers—unless somebody is trying to cover up something. When they are trying to cover up something in the bureaucracy, I always tell them: If you get stonewalled, eventually the truth is going to come out. The more truth that comes out, the more egg you are going to have on your face. Mr. Breuer is one of those who has tremendous egg on his face.

Justice cites the so-called line personnel policy for refusing to provide officials for voluntary interviews. The policy is based purely on nothing but the Department's own preferences. This isn't any law or statute or even case law. The Department has frequently set aside the policy and made exceptions.

For example, line attorneys gave transcribed interviews under oath to Congress in the 1992 Rocky Flats Nuclear Weapons Facility investigation. As recently as October, assistant U.S. attorney Rachel Lieber, the line attorney responsible for the anthrax investigations, participated in an interview with PBS's "Frontline."

How can the Justice Department tell me or argue to Congress that Congress should not be allowed access to line attorneys when they give that same kind of access to the press? Those are the kinds of line personnel and individuals who have the actual answers. I kind of surmise that the reason the Justice Department will let a U.S. attorney or some FBI agents be interviewed on television is that some public affairs officer has looked at it and said: This is a good story. This is going to make us look good. But when Congress wants to interview line people, no, and we have a constitutional responsibility to do that.

I would like to suggest that the Justice Department let the public affairs people make a decision of who can talk to Congress because it might make them look a little better if they will let them talk to Congress or are they afraid we might find out something? It is irritating as heck.

In this case, had the Justice Department gone to the horse's mouth before sending an inaccurate letter to me on February 4, they would have been able to get the story straight. The memo I have here I am not going to read, but I want to hold it up.

The memo is from an ATF line agent who substantiated the claims of the first ATF whistleblowers.

I ask unanimous consent a copy be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. It is dated February 3, 2011, the day before the Justice Department sent their letter to me. The memo was passed up his chain in response to investigators on my staff talking to him about Operation Fast and Furious. He accurately described the problems with Fast and Furious. What he said was consistent with the claims I had already heard from other whistleblowers. Information such as this is why I was skeptical days later when the Department sent its February 4 letter to me, denying the allegations. In other words, I had proof they were lying to us.

The agent wrote in the memo about being ordered by a Fast and Furious

case agent to hold back in their surveillance, so that they did not “burn the operation.”

While watching straw purchasers hand off weapons to traffickers—violating the laws of this country but encouraged to do it by their own Justice Department—the case agent “told all the agents to leave the immediate area.”

While a crime was being committed the agent said to the agents to leave the area immediately. The memo explicitly says:

The transaction between the suspects took place and the vehicle that took possession of the firearms eventually left the area without agents following it.

A crime is committed, U.S. agents there let them move on.

After the phone call to my staff, the ATF agent's supervisor requested that he write this memo documenting what he had told my investigators. This passed up the chain all the way to the ATF leadership. We know that because there are e-mails attaching the memo sent to senior headquarter officials. However, the Justice Department has refused to provide copies of those e-mails and will only allow them to be reviewed at Justice Department headquarters.

The Department has also refused to provide a copy of this memo. My staff had to obtain it from confidential sources.

One of the questions yet to be answered is who in the Justice Department saw the memo and when. Either way, once the Justice Department got hold of it they tried to keep it under wraps by refusing to give me a copy. They made my staff go to the Justice Department to view it, even though the entire memo simply recounts information that was already provided to my staff. It is embarrassing to the Department because it shows that the truth was easily knowable before the false denial was sent to Congress on February 4. If they had asked for firsthand documentation such as this memo when they first got my letter in January, we would not be where we are today.

The second point these documents establish is that main Justice had problems of its own. It was not all the fault of the ATF or the U.S. attorney. Mr. Breuer's deputy, Deputy Attorney General Jason Weinstein, participated in drafting a false statement. The Justice Department's February 4 letter read:

ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

Documents show that line originated in a phone conversation, February 1, 2011, between Justice Department legislative affairs assistant director Billy Hoover from ATF and Jason Weinstein from main Justice's criminal division.

Like Assistant Attorney General Breuer, Mr. Weinstein knew that ATF had let hundreds of weapons walk in Operation Wide Receiver, which was an earlier, smaller scale case than Fast

and Furious. In fact, in April 2010, he brought that fact to the attention of Mr. Breuer, his boss. April 2010 is 8 months before I got involved in this investigation. His e-mail to Mr. Breuer about Wide Receiver said:

As you'll recall from Jim's briefing, ATF let a bunch of guns walk in efforts to get upstream conspirators but only got straws, and didn't recover many guns. Some were recovered in [Mexico] after being used in crimes.

It is ironic that is how Mr. Weinstein described Wide Receiver. He was one of the officials who authorized wiretaps in Fast and Furious. Therefore, he was in a position to know that exact same description applied to Fast and Furious. Yet he allowed the myth to be perpetrated that ATF would never do such a thing. Mr. Weinstein saw the Justice Department's very first draft of the letter to Congress. In fact, as one of his Justice Department colleagues in the Deputy Attorney General's office said, “CRM,” which happens to be the criminal division, and OLA, which is the Office of Legislative Affairs—“CRM and OLA basically drafted it.”

Mr. Weinstein knew the letter contained a blatantly false line. Yet he did nothing to correct it and that line thus remained in every successive draft of the letter.

On December 2 this year, the Justice Department's latest spin was that its statement that “ATF makes every effort to interdict weapons” was “aspirational.” Nevertheless, that did not stop them from withdrawing the letter for inaccuracies. Perhaps the “aspirational” language should be saved for mission statements. Responses to specific and serious allegations ought to, in a commonsense way, stick to the facts, right? This was an oversight letter. I was not asking for some “feel good” fuzzy message about what ATF aspired to. I was asking for simple facts.

A U.S. Border Patrol agent had died, and at the scene of his death were two guns from Fast and Furious. So his death was connected to the ATF operation. Whistleblowers were reaching outside of the chain of command because supervisors would not listen. Instead of treating these allegations with the kind of seriousness they deserved, the Justice Department resorted to damage control.

I do not know what else my investigation is going to uncover, but we are going to pursue it until we get to the end of it because my goal is to find out who at the highest level of government, in Justice or the White House, approved this, and get them fired; make sure that the Terry family gets all of the information about the death of their son—to this point they have had hardly anything—and, No. 3, to make sure a stupid program like walking guns, Fast and Furious, et cetera, never happens again.

This week the investigation revealed that shortly after the February 4 letter, Lanny Breuer asked Mr. Weinstein to write up an analytical memo of Fast

and Furious. This suggests that Mr. Breuer and his deputy Mr. Weinstein were down in the weeds on Operation Fast and Furious a lot earlier than previously admitted. Mr. Weinstein was in an excellent position to write such a memo, since Mr. Breuer has acknowledged that Mr. Weinstein was one of the individuals who approved wiretaps in the summer of 2010 as part of Operation Fast and Furious. However, we had to learn of this memo from sources not from the Justice Department but from outside of the Justice Department. The Justice Department has not provided it to us, even though it is clearly responsive to a House Oversight Government Reform Committee October 25 subpoena.

This type of maneuvering is what got the Justice Department in trouble to begin with. The Justice Department should produce this document immediately, along with all the other responsive documents.

This investigation will continue. People must be held accountable. The Justice Department must stop stonewalling today.

#### EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Washington, DC, February 3, 2011.

Memorandum To: Special Agent in Charge, Dallas Field Division

Thru: Resident Agent in Charge, Lubbock Field Office

From: Gary M. Styers, Special Agent, Lubbock Field Office

Subject: Contact with Congressional Investigators

On February 2, 2011, at approximately 1500 hours, ATF Special Agent Gary Styers was contacted telephonically by Robert Donovan and Brian Downey, representing United States Senator Chuck Grassley and the Senate Judiciary Committee. Downey and Donovan after identifying themselves asked Special Agent Styers if he would be willing to answer some questions regarding the time Special Agent Styers spent on a detail to the Phoenix Field Division, Phoenix Group VII Office. Special Agent Styers said he would be willing to answer questions to the best of his knowledge.

Special Agent Styers was asked if he was familiar with the large firearms trafficking case in Phoenix Group VII and Special Agent Styers said he was. Downey and Donovan asked if Special Agent Styers knew the name of the case and he responded that it was “Fast and Furious.” Downey and Donovan then asked if Special Agent Styers knew who the case agent was and Special Agent Styers said it was Special Agent Hope McAllister. Special Agent Styers was also asked who the supervisor of the group was and Special Agent Styers said it was Group Supervisor David Voth. Downey and Donovan also asked who helped Special Agent McAllister, Special Agent Styers said that Special Agent McAllister had a Co-Case Agent from Immigration and Customs Enforcement (ICE) as well as an agent from Group VII. Downey and Donovan asked who was the Agent from ICE and Special Agent Styers told them it was Lane France.

Downey and Donovan asked Special Agent Styers if he knew what the agents were assigned to do on the investigation. Special Agent Styers explained that a group of agents were assigned to the case and that since the case was in the stage of an active

wiretap, some agents were working within the group and Special Agent Styers was then asked about his general impression of the Fast and Furious case. Special Agent Styers stated that the case had systematically divided and isolated agents from the group. The case agent had solicited the advice of numerous experienced agents, including Special Agent Styers, regarding how to conduct and end the wiretap operations and case overall. Special Agent Styers gave the case agent his honest opinion and advice since Special Agent Styers had worked two wiretap investigations in his career. Special Agent Styers felt that his advice and opinions, as well as other agents' advice and opinions were widely disregarded. Along with other agents within the group, Special Agent Styers explained that he was no longer asked to assist with Fast and Furious and concentrated on his assigned cases and provided necessary assistance to fellow agents within the detail and group.

Downey and Donovan asked Special Agent Styers what he felt was incorrect about the way the Fast and Furious case was conducted. Special Agent Styers explained that first and foremost, it is unheard of to have an active wiretap investigation without full time dedicated surveillance units on the ground. Special Agent Styers relayed that no agents in the group were assigned to surveillance on the Fast and Furious case. Special Agent Styers said that other agencies or task force officers may have been used to conduct surveillance and respond to calls of FFLs, but it seemed that either the case agent or Group Supervisor would poll the office for agents who were available to respond at short notice.

Secondly, Special Agent Styers said that it appeared odd to have a majority of ATF Agents working on a wiretap investigation, who had never worked such a case. Especially, when numerous, permanent Group VII agents and detailers had previous wiretap experience.

Special Agent Styers was provided with contact information for Downey and Donovan and the conversation was ended. Special Agent Styers contacted the Lubbock Resident Agent in Charge, Jim Luera at 1545 hours after the conversation with Downey and Donovan ended, to inform him of the contact. Special Agent Styers was later asked to document the conversation herein and attempted to do so to the fullest extent possible.

Respectfully,

GARY M. STYERS.

Mr. GRASSLEY. Mr. President, I do not see another Member on the floor. Unless some staff person among the Republicans or Democrats tells me somebody is coming, I wish to take another 5 minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, more like 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FCC HOLDS—LIGHTSQUARED

Mr. GRASSLEY. Mr. President, the cornerstone of Congress's ability to effectively oversee the Federal Government is the free and open access to information—in other words, congressional oversight, what I was talking about in regard to Fast and Furious.

On another investigation 231 days ago, on April 27, I made a very simple

request. I requested that the Federal Communications Commission turn over communications regarding its controversial approval of the LightSquared project. LightSquared is a company owned by a hedge fund called Harbinger Capital Partners that is seeking FCC approval to use its satellite spectrum to build a terrestrial wireless network. To accomplish its goals, LightSquared has already spent millions of dollars on lobbyists and made large political donations.

The problem is that LightSquared's signals would, according to Federal Government tests, cause massive interference with the global positioning system, more commonly referred to as GPS. GPS, as you know, is a critical tool for anything from military drones and missiles to car and ship navigation. LightSquared's initial plan, which the FCC conditionally approved, would have interfered with just about every single GPS user.

The surprising fact is that there is no evidence the FCC even tested LightSquared's plan before approving it. In fact, the FCC granted this waiver—which is estimated to be worth at least \$10 billion to LightSquared—in a shortened comment period starting right around Thanksgiving, 2010. Giving a company a possible \$10 billion windfall in a holiday-shortened comment period without doing any testing is very suspicious. Risking our Nation's GPS assets, including the role they play in defending our Nation to accomplish this goal, is downright dangerous.

The question I am asking is, Why would the FCC do this? Of course, to get to the bottom of this question I asked the Federal Communications Commission for some documents—again, a simple question, a request for some information. The FCC, an agency with employees who are supposed to work for the American people, said no to my request. My staff was told the FCC intentionally ignored my document request. The FCC officials said they have determined that they will only be responsive to two Members of Congress: the Chairs of the House and Senate Commerce Committees, not even to ranking members of those same committees, and, of course, not to members of those committees whether you are majority or minority. Presumably, they would not even answer to the majority leader of the Senate or to the Speaker of the House, but for sure they surely are not answering to this senior Senator from Iowa. If you happen to be one of the 99.6 of the Congress who doesn't chair one of those two committees, from the FCC's point of view, sorry, you are out of luck. No documents for you. This attitude is unacceptable. I conveyed my concerns to the FCC on July 5 and asked again for documents. Again, I was stonewalled. This time the FCC claimed that since I cannot subpoena the FCC, it would not respond.

President Obama committed to run the most transparent administration in

history. Yet the FCC is saying if you cannot force us to be open, we won't do it. I wrote another letter asking the FCC for documents on September 8, and again I was stonewalled.

This brings us to where we are today, 230-some days later. The FCC's decision to impede Congress's constitutional duty of oversight has forced me to make a difficult decision. I do not take that decision to hold up nominees lightly, but I never do it in secret. I always put a statement in the RECORD, and this is in addition to that statement. But when an agency flagrantly disregards congressional oversight, something must be done.

Before I publicly announced my intention to hold the nominees, I, through staff, contacted the FCC officials. I informed them that if the documents were not forthcoming, I would hold up the Federal Communication Commission's nominees whom the President sent up here. I was surprised and disappointed by their response. Despite knowing my intentions, they chose not to provide any documents. As a result, I am honoring my promise to hold those nominees.

It is unfortunate the FCC has chosen this path. Due to the FCC's decision to hide its actions from the public and Congress, these nominations are now stalled in the Senate. The question I would ask today of my colleagues and the President of the Senate is: Why? The FCC has already told me it would likely provide these documents if certain members—chairmen of committees—asked for them, but somehow 99.6 percent of the Congress has no right to this information. In other words, 99.6 percent of the Members of Congress cannot do their constitutional job of oversight of the Federal Communications Commission. To paraphrase a very popular slogan these days, I guess that makes me part of the 99.6 percent.

My concern is not just specific to this document request. It is broader than that. In the future, any Member of Congress may request documents from the FCC. As the courts have put it, every Member has a voice and a vote in the process under the Constitution. Each one of us has the authority to request and receive information from the executive branch in order to inform those votes. That is what our court has said. That authority is inherent in each Member's responsibility to participate in the legislative process.

The creation of the committee system and the delegation of certain responsibilities to committee chairmen doesn't change that at all. Individual Members still have a right, as well as a responsibility, to inform themselves by requesting information directly from agencies. For Congress to have a complete view of how an agency works, we need to have access to documents. Turning off that flow of information shortcircuits transparency and hurts accountability.

In this case, the Federal Communication Commission's actions have real-